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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 SHOSH YONAY and YUVAL YONAY,
13 Plaintiffs,
14
15 v.
16 PARAMOUNT PICTURES
CORPORATION, a Delaware corporation,
17 and DOES 1-10,
18 Defendants.

Case No. 2:22-CV-3846-PA

**DEFENDANT PARAMOUNT
PICTURES CORPORATION'S
RESPONSE TO PLAINTIFFS'
EVIDENTIARY OBJECTIONS
TO MATERIAL OFFERED BY
PARAMOUNT PICTURES
CORPORATION IN SUPPORT
OF ITS MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: January 8, 2024
Hearing Time: 1:30 PM
Place: Courtroom 9A
Judge: Hon. Percy Anderson

1 PPC respectfully submits this Response to Plaintiffs Shosh Yonay and Yuval
 2 Yonay (“Plaintiffs”) Evidentiary Objections to Material Offered by Paramount
 3 Pictures Corporation in Support of its Motion for Summary Judgment.

4 **PPC’S RESPONSE TO PLAINTIFFS’ EVIDENTIARY OBJECTIONS**

5 Plaintiffs’ objections (Dkt. 80) to the evidence that PPC offered in support of
 6 its Motion for Summary Judgment should be summarily overruled for three
 7 reasons: (1) Plaintiffs filed their objections late; (2) Plaintiffs impermissibly
 8 objected solely to pieces of evidence, rather than objecting by paragraph number of
 9 PPC’s separate statement; and (3) the objections are impermissibly boilerplate.

10 **(1) Untimely.** The Standing Order in this case requires that evidentiary
 11 objections “be addressed in a separate memorandum to be filed *with the opposition*
 12 *or reply brief of the party.*” Dkt. 37 at 7 (emphasis added); *see also Glass v. Sue*,
 13 2010 WL 11549540, at *2 (C.D. Cal. Oct. 27, 2010) (“Any evidentiary objections
 14 by the non-moving party to the moving party’s evidence must be filed along with
 15 the opposition.”). Here, Plaintiffs’ opposition to PPC’s motion was due (and was
 16 filed on) November 22, 2023 (Dkt. 49), rendering any evidentiary objections due
 17 that same day. Plaintiffs, however, ignored this Court’s Standing Order and filed
 18 their objections on the afternoon of November 23, 2023. Dkt. 80. Plaintiffs did not
 19 explain their failure to timely file objections, let alone seek leave from the Court to
 20 file them out of time.¹ “If [Plaintiffs] wanted to have these evidentiary objections
 21 considered, they should have been filed with the opposition papers.” *Rosen v.*
 22 *Cross*, 2013 WL 12130250, at *1 n.2 (C.D. Cal. May 21, 2013) (refusing to
 23 consider the untimely filed evidentiary objections); *Nguyen v. Marketsource, Inc.*,
 24 2018 WL 2182633, at *3 (S.D. Cal. May 11, 2018) (refusing to consider
 25 evidentiary objections filed “a day after [plaintiff’s] his opposition brief was due

26 _____
 27 ¹ Plaintiffs’ failure to comply with the case schedule is particularly egregious given
 28 that the Court has repeatedly extended the schedule at Plaintiffs’ request. *See* Dkts.
 35-37; Dkts. 48-49.

1 according to the Court’s briefing schedule”); *see also Elliot v. Spherion Pac. Work,*
 2 *LLC*, 368 F. App’x 761, 763 (9th Cir. 2010) (“The court did not abuse its discretion
 3 in following the local rules and refusing to consider the [late-filed] evidentiary
 4 objections”); *Traylor v. Pyramid Services, Inc.*, 2008 WL 8667410, at *2 (C.D.
 5 Cal. Sept. 24, 2008) (denying plaintiffs’ late-filed evidentiary objections).

6 **(2) Violate Court’s Standing Order.** Separately, and independently,
 7 Plaintiffs’ untimely evidentiary objections are deficient because they violate the
 8 Court’s Standing Order, which requires objections to “be organized **to track the**
 9 **paragraph numbers of the separate statement in sequence.**” Dkt. 37 at 7
 10 (emphasis in original). The Court even provides a specific “example of the format
 11 contemplated by the Court.” *Id.* Yet Plaintiffs’ objections do not track the
 12 paragraph numbers of PPC’s separate statement at all—let alone in sequence.
 13 Instead, Plaintiffs chose to organize their objections by pieces of evidence.
 14 Because Plaintiffs failed to follow straightforward rules, the Court should decline to
 15 consider their late-filed, non-conforming evidentiary objections. *See Fleischer*
 16 *Studios, Inc. v. A.V.E.L.A., Inc.*, 2009 WL 7464165, at *2 (C.D. Cal. Feb. 18, 2009)
 17 (“District judges are not archaeologists. They need not excavate masses of papers
 18 in search of revealing tidbits—not only because the rules of procedure place the
 19 burden on the litigants, but also because their time is scarce. ... Lawyers and
 20 litigants who decide that they will play by rules of their own invention will find that
 21 the game cannot be won.”) (*quoting Nw. Nat’l Ins. Co. v. Baltes*, 15 F.3d 660, 662-
 22 63 (7th Cir. 1994)); *see also Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 775 (9th
 23 Cir. 2002) (“Judges need not paw over the files without assistance from the
 24 parties.”).

25 **(3) Blanket/Boilerplate.** Plaintiffs’ untimely and non-compliant evidentiary
 26 objections violate yet another requirement in the Court’s Standing Order—the
 27 requirement that objections not be blanket or boilerplate. The Court’s Standing
 28

Order is clear: **“Do not submit blanket or boilerplate objections to the opponent’s statements of undisputed fact: these will be disregarded and overruled.”** Dkt. 37 at 7 (emphasis in original). Plaintiffs’ evidentiary objections, however, could not be more generic. And Plaintiffs compound the problem by simply copying-and-pasting the same boilerplate objections and reasserting them over and over again. For example:

- “Fed. R. Evid. 701, 702, 703: The purported facts citing [sic] this document contain improper argument and legal opinion.” Dkt. 80 at 3-9, 15-16, 24-25, (*Repeated verbatim 24 times*).²
- “Fed. R. Evid. 106, 901 et seq.: Misleading characterization of evidence due to unsupported interpretation, omission of context, incomplete quotation, or otherwise fails to support purported facts.” *Id.* at 2-8, 12, 15, 17, 20, 23 (*Repeated verbatim 25 times*).
- “Fed. R. Evid. 401, 402, 403: The cited documents and testimony have no relevance to the case, and any probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues.” *Id.* at 3-9, 13, 15-40 (*Repeated verbatim 70 times*).

The Court should disregard and overrule Plaintiffs’ late-filed, non-conforming boilerplate objections. *See Dolores Press, Inc. v. Robinson*, 2020 WL 4979197, at *2 (C.D. Cal. July 1, 2020) (“As a preliminary issue, the Court declines to consider Plaintiffs’ 274 boilerplate objections to almost all of the evidence submitted by Defendants. The Court’s scheduling order specifically instructs the parties ‘not to submit boilerplate objections to the opponent’s statements of undisputed fact’ and that ‘these will be disregarded and overruled.’”); *Lindsay v. Labrea9 LLC*, 2019 WL 6870347, at *2, n.2 (C.D. Cal. July 12, 2019) (overruling Defendant’s “boilerplate objections in its response to Plaintiff’s Statement of Uncontroverted

² PPC cites to the page numbers in the ECF stamp, not Plaintiffs’ page numbers, which begin with page “0.”

1 Facts”); *Multiple Energy Techs., LLC v. Hologenix*, LLC, 2019 WL 2619649, at *1,
2 n.1 (C.D. Cal. June 3, 2019) (“Hologenix makes a number of boilerplate objections
3 to MET's evidence without any argument. . . Thus, the Court disregards and
4 overrules Hologenix’s objections.”).

5 * * *

6 PPC respectfully submits that any one of the above issues would warrant
7 overruling Plaintiffs’ objections—together, they demand it.

8
9 Dated: December 11, 2023

O’MELVENY & MYERS LLP

10 By: /s/ Molly M. Lens
Molly M. Lens

11 *Attorneys for Defendant*
12 *Paramount Pictures Corporation*